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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,743	07/10/2003	Barry White	0331	2752
26868	7590	08/31/2005	EXAMINER	
HASSE & NESBITT LLC 7550 CENTRAL PARK BLVD. MASON, OH 45040				NEGRON, ISMAEL
		ART UNIT		PAPER NUMBER
		2875		

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,743	WHITE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ismael Negron	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,6-11,13,14,16-18 and 20-22 is/are rejected.
- 7) Claim(s) 2,4,12,15 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's amendment filed on June 23, 2005 has been entered. Claims 1-4, 6, 7, 10, 12 and 14 have been amended. Claim 5 has been cancelled. Claims 17-22 have been added. Claims 1-4 and 6-22 are still pending in this application, with claims 1 and 17 being independent.
  
2. The drawings were received on June 23, 2005. These drawings are acceptable.

### ***Claim Objections***

3. Claim 12 is objected to because of the following informalities: it recites the limitation "*said upper portions of each if said asymmetrical reflectors*" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since is readily apparent that the claims are referring to the upper portions of the previously recited asymmetrical reflectors. However, appropriate correction is required to place the claims in proper form for allowance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9, 11, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 9 recites the limitation "*said symmetrical reflector*" in line 1. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests amending Claim 9 to depend from Claim 2, instead of Claim 7.

6. Claim 11 recites the limitation "*said upper portion of said symmetrical reflector*" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 21 recites the limitation "*the at least one symmetrical reflector*" in line 1. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests amending Claim 21 to depend from Claim 19, instead of Claim 17.

8. Claim 22 recites the limitation "*the peak shape portion*" in line 1. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests amending Claim 22 to depend from Claim 19, instead of Claim 17.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 6-8, 13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by RODIN (U.S. Pat. 4,928,209).

10. RODIN discloses an illumination device having:

- **a housing (as recited in claims 1 and 17),** Figure 1, reference number 12;
- **a plurality of reflectors (as recited in claims 1 and 17),** Figure 1, reference number 24;
- **the reflectors being disposed within the housing (as recited in claims 1 and 17),** as seen in Figure 1;
- **two of the reflectors being asymmetrical (as recited in claims 1 and 17),** as seen in Figure 1;
- **the symmetrical reflectors being symmetrically opposed from each other (as recited in claims 1 and 17),** as seen in Figure 1;
- **each reflector having a generally parabolic shape (as recited in claims 1 and 18),** column 3, lines 28-33;
- **a plurality of lamps (as recited in claims 1 and 17),** Figure 1, reference numbers 44 and 46;
- **each lamp having a base at each end (as recited in claims 1 and 17),** as seen in Figure 2;

- **the lamps being disposed beneath each reflector (as recited in claims 1 and 17), as seen in Figure 1;**
- **the lamps being disposed within the volume of each reflector (as recited in claims 1 and 17), as seen in Figure 1;**
- **lamp sockets (as recited in claims 1 and 17), Figure 2, reference numbers 52 and 58;**
- **the sockets being disposed at the ends of each reflector (as recited in claims 1 and 17), as evidenced by Figure ;**
- **the sockets being sized to receive the base of the lamps (as recited in claims 1 and 17), as evidenced by column 3, lines 62-68;**
- **the lamp sockets being electrically connected to a power source (as recited in claims 1 and 17), as seen in Figure 1;**
- **the sockets having an electrical contact (as recited in claims 1 and 17), Figure 7, reference number 92;**
- **the sockets being electrically connectable to the bases of the lamps (as recited in claims 1 and 17), column 6, lines 14-19;**
- **the lamps being fluorescent tubes (as recited in Claim 6), as evidenced in column 3, lines 24-45;**
- **the length of the reflectors being substantially longer than their width (as recited in Claim 6), as seen in Figure 2;**

- **the portion of each of said reflectors located centrally above each lamp having a peak shape (as recited in Claim 7), as seen in Figure 1;**
- **the peak shape portion having an exterior angle of not less than 110° (as recited in Claim 8), as evidence by Figure 1;**
- **the reflectors being joined together with a brace (as recited in Claim 13), Figure 1, reference number 12;**
- **the brace being located behind the reflectors (as recited in Claim 13), as seen in Figure 1;**
- **the area below the reflectors being substantially open (as recited in Claim 17), as seen in Figure 1; and**
- **the center of the lamps being disposed in line with the bottom edge of the upper portion of the reflectors (as recited in Claim 20), as seen in Figure 1.**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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11. Claims 3, 10, 14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over RODIN (U.S. Pat. 4,928,209).

12. RODIN discloses an illumination device having:

- **a housing (as recited in claims 1 and 17),** Figure 1, reference number 12;
- **a plurality of reflectors (as recited in claims 1 and 17),** Figure 1, reference number 24;
- **the reflectors being disposed within the housing (as recited in claims 1 and 17),** as seen in Figure 1;
- **two of the reflectors being asymmetrical (as recited in claims 1 and 17),** as seen in Figure 1;
- **the symmetrical reflectors being symmetrically opposed from each other (as recited in claims 1 and 17),** as seen in Figure 1;
- **each reflector having a generally parabolic shape (as recited in Claim 1),** column 3, lines 28-33;
- **a plurality of lamps (as recited in claims 1 and 17),** Figure 1, reference numbers 44 and 46;
- **each lamp having a base at each end (as recited in claims 1 and 17),** as seen in Figure 2;
- **the lamps being disposed beneath each reflector (as recited in claims 1 and 17),** as seen in Figure 1;

- **the lamps being disposed within the volume of each reflector (as recited in claims 1 and 17), as seen in Figure 1;**
- **lamp sockets (as recited in claims 1 and 17), Figure 2, reference numbers 52 and 58;**
- **the sockets being disposed at the ends of each reflector (as recited in claims 1 and 17), as evidenced by Figure ;**
- **the sockets being sized to receive the base of the lamps (as recited in claims 1 and 17), as evidenced by column 3, lines 62-68;**
- **the lamp sockets being electrically connected to a power source (as recited in claims 1 and 17), as seen in Figure 1;**
- **the sockets having an electrical contact (as recited in claims 1 and 17), Figure 7, reference number 92;**
- **the sockets being electrically connectable to the bases of the lamps (as recited in claims 1 and 17), column 6, lines 14-19; and**
- **the area below the reflectors being substantially open (as recited in Claim 17), as seen in Figure 1.**

13. RODIN discloses all the limitations of the claims, except:

- the plurality of symmetrical reflectors including a second pair of asymmetrical reflectors (as recited in Claim 3);
- the symmetrical reflectors being symmetrically opposed from each other (as recited in Claim 3);

- the upper portions of the reflectors being formed using a plurality of adjacent reflectors segments (as recited in Claim 10);
- louvers (as recited in Claim 14);
- the louvers being attached beneath the reflectors and the lamps (as recited in Claim 14); and
- the louvers being for providing additional direction for the light emitted from the lamps (as recited by Claim 14).

14. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to form the plurality of asymmetrical reflectors of RODIN using a plurality of reflector sections (as recited in Claim 10), since it has been held by the courts making an integral structure separable (e.g. in a plurality of pieces), if so is desired, would require only ordinary skill. *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961). In this case, forming the integral reflector structure of RODIN into a plurality of separate section would make such reflector easier and cheaper to replace or repair. Such sectionally made reflector would include a plurality of asymmetrical reflector sections (as recited in Claim 3), such sections being located symmetrically opposed from one another in within the housing of RODIN (as recited in Claim 3).

15. Regarding the louvers, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to positioned a plurality of louvers below the reflectors and lamps of PRESTON et al. (as recited by Claim 14), since the Examiners takes Official Notice that the use of such louvers is old and well known in the

illumination art. One would have been motivated to use such louvers to prevent scattering of the light emitted by the luminaire, for focusing such light towards an illumination target, and for preventing glare. In addition, applicant's statement regarding the old and well known in the art status of louvers in combination with fluorescent lamps, is noted (see page 1, lines 14-16). In addition, applicant's failure to traverse the Examiner's assertion of official notice (presented in Section 11 of the previous Office Action) is noted. See MPEP § 2144.03(C).

***Allowable Subject Matter***

16. Claims 2, 4, 15 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
17. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
18. Claims 9, 11, 21 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches luminaries including a plurality of lamp located below at least two asymmetrical reflectors symmetrically positioned to one another, and a centrally located symmetrical reflector. Both the symmetrical and asymmetrical reflectors feature a generally parabolic shape. The asymmetrical reflectors a peak-shape portion at the top, with the inner side of such portion having a narrower parabolic shape than the outer. In addition, the lamps associated with the symmetrical reflectors being located equidistant among the width of such reflector, with the lamps associated with the asymmetrical reflectors being closer to the inner side of such reflectors.

20. No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically a plurality of asymmetrical reflectors being positioned in the housing symmetrically opposed from each other, the housing further including a symmetrical reflector located centrally between the asymmetrical reflectors, or the reflectors having a generally parabolic shape, with a peak-shaped top portion of the asymmetrical reflectors having and inner side with a narrower parabolic shape than the outer side of such portion, or the lamps being located equidistant among the width of the symmetrical reflector or closer to the inner side of the asymmetrical reflectors.

***Relevant Prior Art***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Dorey et al.** (U.S. Pat. 2,050,429), **Lorenz** (U.S. Pat. 2,291,494), **Harling** (U.S. Pat. 2,875,323), **Franck** (U.S. Pat. 3,123,308), **Florence** (U.S. Pat. 3,246,138), **Felland** (U.S. Pat. 5,570,947), **Wordin** (U.S. Pat. 6,170,962) and **Verfuerth** (U.S. Pat. 6,585,396) disclose illumination devices having a plurality of asymmetrical paraboloid reflectors positioned symmetrically opposed from one another within the housing of the illumination device.

***Response to Arguments***

22. Applicant's arguments with respect to claims 1-4 and 6-16, and newly presented claims 17-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



THOMAS M. SEMBER  
PRIMARY EXAMINER



August 22, 2005